Gainsville, FL DMA Market No. 165

WGFL - TV, Ch. 53 (Ind.) WJXE - LP, Ch. 14 (Low Power) W15AG-TV, Ch. 15 (Low Power)

Technically, this may not be a local marketing agreement in the strictest sense because it involves low power stations. WGFL-TV (High Springs, FL) is an unbuilt construction permit held by Budd Broadcasting Company, Inc. ("Budd"). WGFL will operate on channel 53 in the Gainesville, Florida television market. Pegasus has signed an agreement to enter into an LMA upon the completion of certain preconditions. The agreement to enter into the LMA was signed on May 5, 1997. Pegasus currently owns no other stations in the Gainesville market. The LMA also covers two low power television stations also held by Budd, WJXE-LP (Channel 14, Gainesville, FL) and W15AG (Channel 15, Lake City, FL.) W15AG is currently unbuilt.

The LMA will provide for a term of three years which will be automatically renewed for two additional periods unless Pegasus provides notice of non-renewal 180 days prior to the expiration of the original term. This agreement may also be terminated if certain financial projections are not met.

Pegasus has the right to broadcast on WGFL for up to 166 hours per week, subject to the rights of the licensee to preempt programming if it believes other programming would better serve the public interest. In addition, Pegasus has the same rights to program W15AG. WJXE-LP will be programmed by Budd, with assistance by Pegasus. Pegasus will, however, provide sales for WJXE-LP. WGFL is not yet on the air and no network affiliation agreement has been signed.

This LMA serves the public interest by assisting in the construction of a new station in a very small LMA. While titled a "Time Brokerage Agreement," this document really is more in the nature of a joint venture or "incubator" agreement, allowing an experienced group operator, Pegasus, to come in and aid a local broadcaster, Budd, in developing a new television property. As set forth below, this station also must compete with an entrenched dominant local station. This affiliation with a national company is necessary, in the face of such competition, to establish a successful new station in this small market. In addition, it gives Budd the resources to continue to program a local low power television station, while providing Budd with access to Pegasus' financial resources, expertise in program buying, ability to attract sales personnel, and experience in generating advertising sales. As there are no overlapping contours with any other Pegasus station, this operation clearly is in the public interest.

Billings, MT DMA Market No. 167

KSVI -TV, Ch. 6 (ABC) KHMT-TV, Ch. 4 (Fox)

In Billings, the Commission's policies on time brokerage have resulted in an increase in both the number of media voices and the diversity of programming available to the viewing community. Prior to these policies, the Billings area never had a fourth local TV signal. Likewise, the time brokerage policies have in this instance resulted in bringing a fourth television network, Fox, into the community for the first time on a full time basis. Additionally, and because of this FCC policy, KHMT, which had been "dark" for over two years and would likely have remained that way, was able to re-sign on the air under minority ownership.

Furthermore, the time brokerage policies made it possible for KHMT to be owned and operated by perhaps the only 100% Native American owned full power TV licensee in the nation. KHMT offers a wide range of programming, including children's educational programs, political commentary, and sports (major league football, baseball and hockey), not otherwise available to the market via local television.

Significant economies have been realized in this instance through the time brokerage structure. These economies have directly served the public by expanding programming options and making it possible for the first time for a fourth locally owned television station to operate in one of the country's smallest TV markets. But for time brokerage, this absolutely would not have occurred. That demonstrably serves the public interest.

Meridian, MS DMA Market No. 183

WMDN-TV, Ch. 24 (CBS primary/Fox) WGBC-TV, Ch. 30 (NBC primary/Fox)

This LMA permits two UHF stations in a small market dominated by WTOK-TV (Channel 11, ABC) to achieve financial viability and thus to continue operating. WTOK-TV has been on the air for approximately 40 years. Moreover, for several years Channel 11's competitor

was only one of the two 9:00 a.m. to 12 midnight stations broadcasting in the three station Meridian market. For at least a year, WTOK-TV was the only station on the air in Meridian.

When it was acquired by its present owners, WGBC had been off the air for approximately two years. In fact, the station had been burned to the ground. It returned to the air in 1992. WMDN was reactivated in 1994, after having been off the air for approximately two years and in Chapter 11 bankruptcy. Indeed, WMDN, Inc.'s affiliate, Central Television, Inc., rescued Channel 24 from its first bankruptcy in the 1990s, and secured a network affiliation. The station was subsequently sold by Central and shortly thereafter, its new owners sought Chapter 11 protection. Channel 24 was then reacquired by Central's affiliate, WMDN, Inc. Indisputably, the UHF-TV survival rate in Meridian has been dismal.

The LMA has tangibly benefitted the licensees and viewers of the two UHF stations. It has enabled them to simulcast a nightly 35 minute news program (M-F) originating from WMDN's local studios. This arrangement began within the past six months.

The time brokerage agreement was instrumental in persuading Fox to grant each station a secondary affiliation. Consequently, weekly Major League Baseball and games of the NFC and AFC are enjoyed by WGBC and WMDN viewers who would not otherwise have access to such programming because Meridian's cable penetration is only approximately 50 percent. In 1996, but for the LMA, only one-half of the population of Meridian would have been able to view the World Series and the Super Bowl. Furthermore, by virtue of WMDN's secondary Fox affiliation, its viewers are able to enjoy NFC games. WGBC, a primary NBC affiliate, does not accept the Fox NFC feed, but telecasts AFC games furnished by NBC. Thus, programming choices have been enhanced by the time brokerage arrangement.

As mentioned, the nightly news is broadcast over both stations. Without the LMA neither station would be able to support a news staff. Nor could the licensees entertain (as they are now doing) plans to expand news staff and simulcast news programming during other dayparts. Indeed, the LMA has enabled WGBC to reinstate local news broadcasts. Local news had been carried by Channel 30 until February 1995, but had to be discontinued due to budgetary constraints. Finally, both stations carry news specials, cover elections, carry locally produced morning talk shows, and *Eye on Meridian* specials. These programs could not be offered by either station at this time absent the time brokerage arrangement.

Grand Junction, CO DMA Market No. 191

KREX-TV, Ch. 5 (CBS) KFQX-TV, Ch. 4 (Fox)

KFQX is not on the air as of yet. Grand Junction is Nielsen DMA 191 (out of 211). Grand Junction is believed to be the smallest television market in the nation with three primary (i.e., non-satellite) full power commercial television stations which are competitive with each other. The instant LMA allows for KFQX to have a chance to survive as the fourth full power commercial station in this very small market.

Victoria, TX DMA Market No. 206

KAVU-TV, Ch. 25 (ABC) KVCT-TV, Ch. 19 (Fox)

As can be seen from its market rank, Victoria is one of the smallest television markets in the United States. This LMA helps two local, free, over-the-air television services survive in a market which realistically can only support one full power television station (by means of illustration, markets 198, 199, 201, 203, 204, 207, 208, 209 and 211 Lafayette, IN, Charlottesville, VA, Anniston, AL, Bend, OR, Zanesville, OH, Presque Isle, ME, Helena, MT, Alpena, MI and Glendive, MT, respectively - each has only one full power over-the-air station).

The history of KVCT shows that the original licensee was facing foreclosure at the hands of their bank. The second owner had financial problems and was forced to leave the air. Indeed, at the same time, KAVU-TV was being operated by First Victoria National Bank as the result of another foreclosure. Victoria offers a textbook case of how the viewing public benefits from an LMA. The television industry in Victoria is now financially stable, creditors are paid and can have confidence that they will be paid in the future. A quality local news service with news at different times on KAVU-TV and KVCT is available to the public in the Victoria area (the nearest over-the-air stations to Victoria are in Corpus Christi, over 100 highway miles south, and San Antonio, over 100 miles west-northwest of Victoria, none of whom provide much, if any, local service to Victoria.

Puerto Rico DMA Market No. N/A

WAPA-TV, Ch. 4 (Ind.) WTIN -TV, Ch. 14 (Ind.) WVEO-TV, Ch. 44 (Ind.)

More than 20 years ago -- long before the recent surge in the use of television LMAs -- the Commission recognized that, due to Puerto Rico's unusual economic circumstances and unique and extreme topography, the commercial television stations operating on the island had developed a system of originating and rebroadcasting stations for distributing most programming in Puerto Rico. See Channel 7, Puerto Rico, 58 F.C.C.2d II 48, 1151 (1975). At that time, the Commission noted that four stations originated the bulk of Puerto Rico's commercial television, three of which were rebroadcast by other stations, and that WAPA-TV (one of the originating Channel 11 stations) had for many years had a rebroadcast arrangement with WOLE-TV (Aguadilla.) That arrangement expired at the end of 1994, and WAPA-TV entered into rebroadcast agreements with two other stations: WTIN (Ponce) and WVEO (Aguadilla). These rebroadcast agreements remain in effect today.

The Commission has frequently described the adverse impact of Puerto Rico's extreme topography on over-the-air broadcasting. For example, in its 1975 decision the Commission observed that "the terrain in Puerto Rico is quite rugged, with a central mass dividing the island into northern and southern portions except at the ends, and other high areas. This means that useful TV service from any given station is limited, usually not extending beyond the Grade A contour and sometimes not being satisfactory within that contour. This necessitates the rebroadcast arrangements mentioned. . . . " Id. More recently, the Commission noted that the area between WTIN and WVEO is mountainous and neither station is likely to be received much beyond its immediate community of license and that while these communities are not underserved nor unserved, the economic conditions existing in Puerto Rico "indicate that satellite operations or rebroadcast arrangements are a necessity . . . [W]ithout the use of satellite operations or rebroadcast arrangements, television operations and programming choices beyond San Juan would be limited." See Hector Nicolau, 5 FCC Red 6370(1990); accord Canal 48, Inc., 8 FCC Red 2193, 2194 (1993).

As envisioned by the FCC, the rebroadcast agreement between WAPA-TV and WVEO enhances the choices available to residents of Puerto Rico living beyond the effective reach of WAPA's signal. Thus, these viewers have available to them more local news and more locally produced educational and informational programming for children, as well as a wide array of entertainment programming than they would have in the absence of the agreement.

The rebroadcast agreement between WAPA-TV and WTIN enhances the choices available to residents of Puerto Rico living beyond the effective reach of WAPA's signal. Thus, these viewers have available to them more local news and more locally produced educational and informational programming for children, as well as a wide array of entertainment programming than they would have in the absence of the agreement. In addition, the presence of the agreement facilitated continuity in WTIN's operations following the recent death of WTIN's licensee, Mr. Hector Nicolau, and the assumption of control over the station by Mr. Nicolau's widow, Laura Nicolau. See FCC File No. BAIILCT-970516IF. Finally, WAPA-TV is assisting WTIN in a substantial upgrade of its transmitting facilities, which, when placed in operation, will substantially expand the reach of WTIN's signal and bring greater programming choices to an even wider audience. See FCC File No. BPCT-941103KF.

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